

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

LLOYD ANTHONY DAVIS,

Petitioner,

v.

Case No: 5:22-cv-89-WFJ-PRL

**SECRETARY, DEPARTMENT OF
CORRECTIONS and FLORIDA
ATTORNEY GENERAL,**

Respondents.

ORDER

Petitioner initiated this action on February 10, 2022, by filing a *pro se* Petition to Suppress Federal Time Bar in Order to File a Petition Under 28 U.S.C. § 2254 by a Person in State Custody (Doc. 1). The Court construes this as a motion seeking an extension of time to file a petition under 28 U.S.C. § 2254.

The Court does not have jurisdiction to rule on Petitioner's Motion because there is no case or controversy pending before the Court – Petitioner has not filed his habeas petition and nothing in his motion can be construed as a request for adjudication of the merits of his case. The Supreme Court has held that a “placeholder” filing like the present motion for extension of time, are not permitted. *Woodford v. Garceau*, 537 U.S. 202, 210 (2003) (a federal habeas case is not “pending” until the actual application is filed); *Swichkow v. United States*, 565 F. App'x 840, 844 (11th Cir. 2014) (holding that because defendant “had yet to file an actual § 2255


motion at the time he sought an extension to the limitations period, there was no actual case or controversy to be heard. Thus, the district court properly concluded that it lacked jurisdiction to consider the [defendant's] requests for an extension of time to file a § 2255 motion absent a formal request for habeas relief.”)

ACCORDINGLY, it is hereby

ORDERED:

1. This case is **DISMISSED**.
2. The **Clerk of Court** is directed to close this file.
3. The Clerk shall send Petitioner a blank § 2254 form. If Petitioner completes the form and submits it to the Court, a new civil case number will be created. Petitioner is advised that because no petition is pending, the limitations period was not tolled by his motion for extension of time

DONE and **ORDERED** in Tampa, Florida on March 7, 2022.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

Copies furnished to: Pro Se Party